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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA
10 SAN FRANCISCO DIVISION

11 **RONALD BRATTON,**

12 Plaintiff,

13 v.

14 **BEN CURRY,**

15 Defendants.
16

Case No. C 07-2928 JSW

**[PROPOSED] ORDER
GRANTING DEFENDANTS'
MOTIONS TO DISMISS AND
FOR SUMMARY JUDGMENT**

17 Plaintiff Ronald Bratton (Plaintiff) is a state inmate who filed this action under 42 U.S.C. §
18 1983 and makes claims for violations of the Eighth Amendment, the Religious Land Use and
19 Institutionalized Persons Act (RLUIPA), Equal Protection, and classification policies against
20 Defendants Curry, Chudy, Hill, Hedrick, Raghunath, Grannis, Aboytes, and Klein (Defendants).

21 Defendants filed a motion to dismiss this action because Plaintiff failed to exhaust his
22 available administrative remedies before filing suit, as required by the Prison Litigation Reform
23 Act (PLRA), 42 U.S.C. § 1997e(a). Defendants argued that Plaintiff failed to exhaust his
24 because he failed to pursue his administrative appeal for his Eighth Amendment claim through
25 the requisite third level of review, and because Plaintiff could not possibly have exhausted any
26 appeal for his supplemental claim before he filed this action.

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[Proposed] Order Granting Defs.' Mot. Dismiss & Mot. Summ. J.

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1 Defendants also filed a motion for summary judgment on the grounds that there are no
2 genuine issues of material fact, that Defendants are entitled to judgment as a matter of law, and
3 that Defendants are entitled to qualified immunity.

4 After full consideration of all pleadings and good cause appearing, the Court grants
5 Defendants' motion to dismiss the action without prejudice. The Court also grants Defendants'
6 motion for summary judgment and qualified immunity.

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9 Dated: _____

The Honorable Jeffrey S. White
United States District Court Judge